

608

GENERAL AND SUBPOENA DOCKET, CIVIL CASES — L

MONTGOMERY COUNTY, MISSISSIPPI

No. 99-0083CV-MWillie J. Hemphill

vs.

State of Mo.

PLAINTIFF'S ATTORNEYS

Pro se

DEFENDANT'S ATTORNEYS

Month Day Year

PLEADINGS, EXHIBITS, ORDERS FILED, DISPOSITION

Min.
Book Page

Aug. 27 1999 No deposit
Motion For Post-Conviction Collateral Relief, Verification of Petitioner,
Application To Proceed In Forma Pauperis in the Courts of the State of
Mo., Financial Authorization Filed (3) Copies Filed
 Aug 27 1999 One Copy mailed to Judge Morgan, District Attorney

Date August 24, 1999

Circuit Court Clerk

Post Office Box 765

Winona, Mississippi 38967

Dear Circuit Court Clerk:

Please find enclosed my Motion for Post-Conviction Relief for filing in your usual manner. I am without funds to pay the filing fee evidenced by my attached Application for Informa Pauperis status and ask that you waive any required fees. Furthermore, I have also this day served notice upon the District Attorney of this filing.

Thank you for your time and prompt attention in this matter.

Sincerely,

Wilbur J. Henshill
Petitioner

FILED

AUG 27 1999
Tina Ryals Blaylock
MRS. TINA RYALS - BLAYLOCK
CIRCUIT CLERK
D.C.

Date August 24, 1999

Mr. Charles Evans, District Attorney
Post Office Box 1262
Grenada, Mississippi 38901

Dear Mr. District Attorney:

Please find enclosed a copy of my motion for Post-Conviction Relief and please note that I have this day caused said motion to be filed in the Circuit Court.

Sincerely,

Willie J. Heapfield
Petitioner

IN THE CIRCUIT COURT OF Montgomery COUNTY, MISSISSIPPI

Willie J. Hemphill #R0677

PETITIONER

Civil No. 99-0083CV-M

VERSUS

CAUSE NO. 7453 (7454)

STATE OF MISSISSIPPI

RESPONDENT

MOTION FOR POST-CONVICTION COLLATERAL RELIEF

COMES NOW, Willie J. Hemphill, Petitioner, Pro Se, and files this his/her Motion for Post-Conviction Collateral Relief pursuant to §99-39-1 et. seq., Mississippi Code Annotated, and in support thereof would show unto this Honorable Court the following, to wit:

I.

Identity of Proceedings in Which Petitioner Was Convicted

Petitioner was indicted by the Grand Jury of this county on or about the 18th day of April, 1997, on the charges of Felony ~~stealing~~ Shoplifting in violation of Miss. Code Ann. § N/A. Thereafter, Petitioner was tried and convicted on said charges by a jury of his peers or entered a guilty plea on the 19th day of April, 1997, and was sentenced by the Honorable Judge Morgan (Judge) to serve a term of 1 1/2 years in the Mississippi Department of Corrections. Entry of judgment of conviction and sentence was imposed on the 19th day of April, 1997.

Sentenced to 5-years ^(cc) with 1 1/2 to serve, 3 1/2 suspended
and 2 on probation

II.

Concise Statement of the Claims or Grounds Upon Which the Motion is Based

Petitioner bases his Post-Conviction motion on the following Federal and State Constitutional claims or grounds and asserts that he/she is entitled to relief based on each:

P.S. A. ^{The Conviction or the Sentence was imposed in violation of the Constitution of the United States or MS.}
1. Double Jeopardy 5th Amendment Article 3 § 22

I was sentenced 2-times for 4-same rule violations. Oct. 12, 1998

to 2-year and April 8, 1999 to 5-years

P.S. A. ^{The Conviction or the Sentence was imposed in violation of the Constitution of the United States or MS.}
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My Oct. 12, 1998 2-years sentence was not carried out

by Montgomery County Jail. (I was being held in Grenada Co. Jail)

3. (P.6) B. The trial court was without jurisdiction to impose
Sentence.

(2-years)
I had been revoked & sentenced Oct. 12, 1998 and was no longer

on probation to be revoked & sentenced a second time. April 8, 1999
(5-years)

4. (P.6) E. There exists evidence of material fact, not previously
presented and heard that requires vacation of the
sentence in the interests of justice.

(April 8, 1999)
I was not present and Judge Loper not aware of My Oct. 12, 1998
or the origin of my original Sentence and suspended time
A different Judge (Morgan)

III.

Specific Facts That Are Within Petitioner's Personal Knowledge

1. August 20, 1998, I violated by not paying fines & Restitution. Upon
my request Judge Morgan sent ^{me} to the Leflore Co. Restitution Center
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On Oct. 12, 1998 I was revoked & sentenced to my 2-years
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5. The above listed statements will be proven by the attached witness affidavits along with any attached copies of documents and records.

V.

**Identity of Any Previous Proceedings in State or Federal Court That
Petitioner Has Taken To Secure Relief from His Conviction or Sentence**

1. NONE
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2. _____
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Wherefore, Premises Considered, Petitioner respectfully requests that this Honorable Court to order the State to file an answer or other pleading and to take any other action as the judge deems appropriate, including the appointment of counsel

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Petitioner

Verification of Petitioner

I, Willie J. Hemphill #R0677, the above Pro Se Petitioner in the foregoing Petition, do hereby affirm and state as follows:

I.

I am the Petitioner in the foregoing original motion styled as Motion for Post-Conviction Relief.

II.

I have read the foregoing motion and all statements and other reading herein attached are true and correct to the best of my knowledge, information and belief.

III.

I believe that I am entitled to the relief as requested in said motion.

Willie J. Hemphill
Willie J. Hemphill
Petitioner

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Oct. 9, 2001.
BOUNDED THRU NOTARY PUBLIC UNDERWRITERS.

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 24th DAY OF
August, 1999.



Melinda Ezell
Notary Public

APPLICATION TO PROCEED IN FORMA PAUPERIS
IN THE COURTS OF THE STATE OF MISSISSIPPI

Willie J. Hemphill # R0677

PETITIONER

VS.

NO. 7453 (7454)

STATE OF MISSISSIPPI

RESPONDENT(S)

STATE OF MISSISSIPPI

COUNTY OF Montgomery

I, Willie J. Hemphill, an inmate at SMCI-2

facility, request the Court to allow me to proceed without the pre-payment of costs and declare that I am unable to pay the fees and am entitled to proceed as a pauper.

In support of this application I answer as follows under penalty of perjury:

- (1) I receive income, if any, in the amount of 0 per week, month, or year.
- (2) I have the amount of 0 in a checking or savings account at N/A.
- (3) List all other assets such as real estate, bonds, notes, etc.:

N/A

SIGNED this the 24th day of August, 1999.

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MY COMMISSION EXPIRES: Oct. 9, 2001.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

SWORN to and SUBSCRIBED before me



Willie J. Hemphill
AFFIANT

Melinda L. Ezell
NOTARY PUBLIC

FINANCIAL AUTHORIZATION



TO BE COMPLETED BY APPLICANT

AUTHORIZATION FOR RELEASE OF INSTITUTION ACCOUNT
INFORMATION AND PAYMENT OF THE FILING FEE

I. Willie J. Hemphill # R0677
(Name of Applicant) (Register Number)

authorize the Clerk of Court to obtain, from the agency having custody of my person, information about my institutional account, including balances, deposits and withdrawals. The Clerk of Court may obtain my account information from the past six months and in the future, until the filing fee is paid. I also authorize the agency having custody of my person to withdraw funds from my account and forward payments to the Clerk of Court, in accord with §47-5-76 of the Mississippi Code.

8-17-99
(Date)

Willie J. Hemphill
(Signature of Applicant)

CERTIFICATE
(Prisoner Accounts Only)
TO BE COMPLETED BY AUTHORIZED OFFICER

I certify that the applicant named herein has the sum of \$ 25.00 on account to his credit at the SOUTH MS CORRECTIONAL Institution where he is confined. I further certify that the applicant has the following securities to his credit according to the records of said institution: _____

I further certify that during the last six months applicant's average monthly balance was \$ 1.62

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8-20-99
601-394-5600 EXT 1015

Leesa Brown
(Authorized Officer of Institution)
LEESA BROWN, ACCOUNTING CLERK, SR.

7454
CAUSE# 7453

STATE OF MISSISSIPPI VERSUS Willie Hemphill

JUDGE Loper

DISPOSITION OF CASE Two years custody MDOC

BOND None

NEW COURT DATE N/A

Montgomery CO. ~~CSC~~ REPRESENTATIVE Reba Carpenter MDO

DATE 10-12-98

JUDGE'S SIGNATURE Joseph H. Loper

WAIVER OF RIGHT
TO
PRELIMINARY PROBATION REVOCATION HEARING

CAUSE # 7453
MDOC # 7454
10-12-98

I, Willie Hemphill 9-10-71 527-15-1768, have been
charged with the Probation Violation(s) listed below:

1. Violation 42. Possession of prohibited items, such as Alcohol
2. Violation 24. Being in an unauthorized area away from the center
3. Violation 18. Refusing to work.
4. Violation 19. Being terminated from employment

After having these charges fully explained to me, and without waiving any other rights I may have, DO HEREBY VOLUNTARILY WAIVE and relinquish my right to a Preliminary Probation Revocation Hearing, and further request that I be granted a formal Revocation Hearing before the Court of Montgomery County, Mississippi.

SIGNED AND DATED, this the 9th day of September, 19 98.

Willie Hemphill
(Signature of Probationer)

Willie Hemphill
(Typed Name of Probationer)

WITNESSES: Willie R. White LT.
(Signature and Title)

Willie G. Carter
(Signature and Title)

cc: Circuit Clerk (Original), Records, Hearing Officer, Field Officer

Date August 24, 1999

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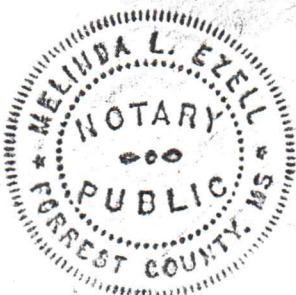
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Willie J. Hemphill
Willie J. Hemphill
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MY COMMISSION EXPIRES: Oct. 9, 2001.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 24th DAY OF
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Melinda Ezell
Notary Public

APPLICATION TO PROCEED IN FORMA PAUPERIS
IN THE COURTS OF THE STATE OF MISSISSIPPI

Willie J. Hemphill #R0677

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VS.

NO. 7453 (7454)

STATE OF MISSISSIPPI

RESPONDENT(S)

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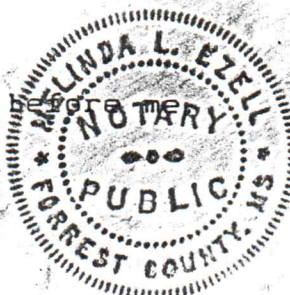
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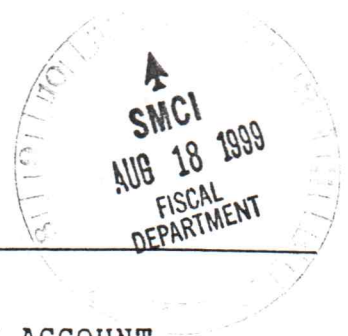
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7454
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JUDGE Loper

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BOND None

NEW COURT DATE N/A

Montgomery Co.
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DATE 10-12-98

JUDGE'S SIGNATURE Joseph D. Loper

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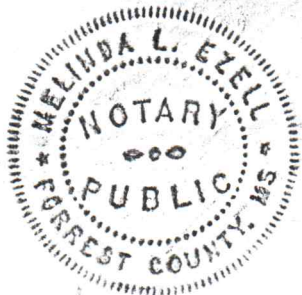
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Willie J. Hemphill
Petitioner

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Oct. 9, 2001.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 24th DAY OF

August, 1999.



Melinda Ezell
Notary Public

APPLICATION TO PROCEED IN FORMA PAUPERIS
IN THE COURTS OF THE STATE OF MISSISSIPPI

Willie J. Hemphill # R0677

PETITIONER

VS.

NO. 7453 (7454)

STATE OF MISSISSIPPI

RESPONDENT(S)

STATE OF MISSISSIPPI

COUNTY OF Montgomery

I, Willie J. Hemphill, an inmate at SMCI-2

facility, request the Court to allow me to proceed without the pre-payment of costs and declare that I am unable to pay the fees and am entitled to proceed as a pauper.

In support of this application I answer as follows under penalty of perjury:

- (1) I receive income, if any, in the amount of 0 per week, month, or year.
- (2) I have the amount of 0 in a checking or savings account at N/A.
- (3) List all other assets such as real estate, bonds, notes, etc.:

N/A

SIGNED this the 24th day of August, 1999.

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Oct. 9, 2001.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

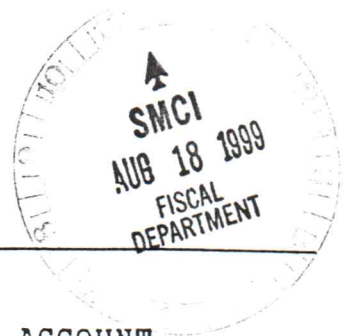
SWORN to and SUBSCRIBED before me



Willie J. Hemphill
AFFIANT

Melinda L. Ezell
NOTARY PUBLIC

FINANCIAL AUTHORIZATION



TO BE COMPLETED BY APPLICANT

AUTHORIZATION FOR RELEASE OF INSTITUTION ACCOUNT
INFORMATION AND PAYMENT OF THE FILING FEE

I. Willie J. Hemphill
(Name of Applicant)

R0677
(Register Number)

authorize the Clerk of Court to obtain, from the agency having custody of my person, information about my institutional account, including balances, deposits and withdrawals. The Clerk of Court may obtain my account information from the past six months and in the future, until the filing fee is paid. I also authorize the agency having custody of my person to withdraw funds from my account and forward payments to the Clerk of Court, in accord with §47-5-76 of the Mississippi Code.

8-17-99
(Date)

Willie J. Hemphill
(Signature of Applicant)

CERTIFICATE

(Prisoner Accounts Only)

TO BE COMPLETED BY AUTHORIZED OFFICER

I certify that the applicant named herein has the sum of \$25.00 on account to his credit at the SOUTH MS CORRECTIONAL Institution where he is confined. I further certify that the applicant has the following securities to his credit according to the records of said institution: _____

I further certify that during the last six months applicant's average monthly balance was \$1.62

I further certify that during the last six months applicant's average monthly deposit was \$4.17

I further certify that applicant has made the following withdrawals within the past 30 days: -0-

8-20-99
601-394-5600 EXT 1015

Leesa Brown
(Authorized Officer of Institution)
LEESA BROWN, ACCOUNTING CLERK, SR.

7454
CAUSE# 7453

STATE OF MISSISSIPPI VERSUS Willie Hemphill

JUDGE Loper

DISPOSITION OF CASE Two years custody MDOC

BOND None

NEW COURT DATE N/A

Montgomery CO. ~~CSC~~ REPRESENTATIVE Reba Carpenter MCO

DATE 10-12-98

JUDGE'S SIGNATURE Joseph H. Loper

WAIVER OF RIGHT
TO
PRELIMINARY PROBATION REVOCATION HEARING

CAUSE # 7453
MDOC # 7454
10-12-98

I, Willie Hemphill 9-10-71 527-19-1768, have been
charged with the Probation Violation(s) listed below:

1. Violation 42. Possession of prohibited items, such as Alcohol
2. Violation 24. Being in an unauthorized area away from the center
3. Violation 18 Refusing To Work.
4. Violation 19 Being Terminated from employment

After having these charges fully explained to me, and without waiving any other rights I may have, DO HEREBY
VOLUNTARILY WAIVE and relinquish my right to a Preliminary Probation Revocation Hearing, and further request
that I be granted a formal Revocation Hearing before the Court of MONTGOMERY County, Mississippi.

SIGNED AND DATED, this the 9th day of September, 19 98.

Willie Hemphill
(Signature of Probationer)

Willie Hemphill
(Typed Name Of Probationer)

WITNESSES: Willie R. White LT.
(Signature and Title)

Willie G. Carter
(Signature and Title)

cc: Circuit Clerk (Original), Records, Hearing Officer, Field Officer

Date August 24, 1999

Circuit Court Clerk

Post Office Box 765

Winona, Mississippi 38967

Dear Circuit Court Clerk:

Please find enclosed my Motion for Post-Conviction Relief for filing in your usual manner. I am without funds to pay the filing fee evidenced by my attached Application for Informa Pauperis status and ask that you waive any required fees. Furthermore, I have also this day served notice upon the District Attorney of this filing.

Thank you for your time and prompt attention in this matter.

Sincerely,

Willis J. Hampshill
Petitioner

FILED

AUG 27 1999

**MRS. TINA RYALS - BLAYLOCK
CIRCUIT CLERK**

D.C.

Date August 24, 1999

Mr. Charles Evans, District Attorney
Post Office Box 1262
Grenada, Mississippi 38901

Dear Mr. District Attorney:

Please find enclosed a copy of my motion for Post-Conviction Relief and please note that I have this day caused said motion to be filed in the Circuit Court.

Sincerely,

Willie J. Humphreys
Petitioner

IN THE CIRCUIT COURT OF Montgomery COUNTY, MISSISSIPPI

Willie J. Hemphill #R0677

PETITIONER

VERSUS

CAUSE NO. 7453 (7454)

STATE OF MISSISSIPPI

RESPONDENT

MOTION FOR POST-CONVICTION COLLATERAL RELIEF

COMES NOW, Willie J. Hemphill, Petitioner, Pro Se, and files this his/her Motion for Post-Conviction Collateral Relief pursuant to §99-39-1 et. seq., Mississippi Code Annotated, and in support thereof would show unto this Honorable Court the following, to wit:

I.

Identity of Proceedings in Which Petitioner Was Convicted

Petitioner was indicted by the Grand Jury of this county on or about the 18th day of April, 1997, on the charges of Felony Shoplifting ~~Stealing~~ in violation of Miss. Code Ann. § N/A. Thereafter, Petitioner was tried and convicted on said charges by a jury of his peers or entered a guilty plea on the 19th day of April, 1997, and was sentenced by the Honorable Judge Morgan (Judge) to serve a term of 1 1/2 years in the Mississippi Department of Corrections. Entry of judgment of conviction and sentence was imposed on the 19th day of April, 1997.

Sentenced to 5-years ^(cc) with 1 1/2 to serve, 3 1/2 suspended, and 2 on probation

II.

Concise Statement of the Claims or Grounds Upon Which the Motion is Based

Petitioner bases his Post-Conviction motion on the following Federal and State Constitutional claims or grounds and asserts that he/she is entitled to relief based on each:

P.S. A. ^{The Conviction or the Sentence was imposed in violation of the Constitution of the United States or MS.}
1. Double Jeopardy 5th Amendment Article 3 § 22

I was sentenced 2-times for 4-same rule violations. Oct. 12, 1998

to 2-year and April 8, 1999 to 5-years

P.S. A. ^{The Conviction or the Sentence was imposed in violation of the Constitution of the United States or MS.}
2. Due Process 5th Amendment Article 3 § 14

My Oct. 12, 1998 2-years sentence was not carried out

by Montgomery County Jail. (I was being held in Grenada Co. Jail)

3. (P-6) B. The trial court was without jurisdiction to impose Sentence.

I had been revoked & sentenced Oct. 12, 1998 and was no longer

on probation to be revoked & sentenced a second time. April 8, 1999

4. (P-6) E. There exists evidence of material fact, not previously presented and heard that requires vacation of the sentence in the interests of justice.

I was not present and Judge Loper not aware of My Oct. 12, 1998 Sentence; or the origin of my original Sentence and suspended time. A different Judge (Morgan²)

III.

Specific Facts That Are Within Petitioner's Personal Knowledge

1. August 20, 1998, I violated by not paying fines + Restitution. Upon my request Judge Morgan sent ^{me} to the Leflore Co. Restitution Center to pay fines; not as a sentence Suspended.
2. After being Kicked out of Leflore Co. Restitution Center Sept. 6, 1998. On Oct. 12, 1998 I was revoked + sentenced to my 2-years Probation time by A different Judge (Loper) It is stated that there is no new court date.
3. On Dec. 29, 1998, I was taken back to the Leflore Co. Restitution Center without any new court order. On March 19, 1999 I was Kicked out again. (From 9-9-98 to 12-29-98 I was held in Grenada Co. Jail)
4. On June 3, 1999, MDOC showed me a sentencing order; Dated April 8, 1999 for a 5-year sentence on the same 4-rule violations I was sentenced on Oct. 12, 1998 and 3-other rule violations I got between 12-29-98 thru 3-19-99 while I was no longer on probation.

IV.

Statement of Facts Not Within Petitioner's Personal Knowledge

1. After my Oct. 12, 1998 2-years sentence; Why was it not carried out by the Montgomery County Sheriffs office.
2. How did I end up back at the Lefflore County Restitution Center after being kicked out revoked + sentenced to serve 2-years
3. How I could be revoked + sentence a 2nd time for violations of my probation when I was never reinstated from my Oct. 12, 1998 sentence.
4. How on April 8, 1999, I could be sentenced to 5-years when I only had 3½ years suspended. Having served 1½ years before I was placed on 2-years probation. And without being present for sentencing on April 8, 1999.
5. The above listed statements will be proven by the attached witness affidavits along with any attached copies of documents and records.

V.

**Identity of Any Previous Proceedings in State or Federal Court That
Petitioner Has Taken To Secure Relief from His Conviction or Sentence**

1. NONE
11
2.
11
3.

Wherefore, Premises Considered, Petitioner respectfully requests that this Honorable Court to order the State to file an answer or other pleading and to take any other action as the judge deems appropriate, including the appointment of counsel

Willie J. Humphill
Petitioner

Verification of Petitioner

I, Willie J. Hemphill #R0677, the above Pro Se Petitioner in the foregoing Petition, do hereby affirm and state as follows:

I.

I am the Petitioner in the foregoing original motion styled as Motion for Post-Conviction Relief.

II.

I have read the foregoing motion and all statements and other reading herein attached are true and correct to the best of my knowledge, information and belief.

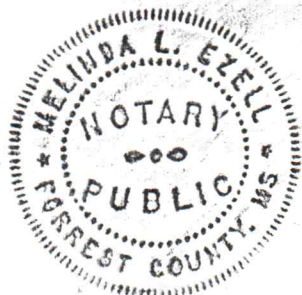
III.

I believe that I am entitled to the relief as requested in said motion.

Willie J. Hemphill
Willie J. Hemphill
Petitioner

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE.
MY COMMISSION EXPIRES: Oct. 9, 2001.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

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- (3) List all other assets such as real estate, bonds, notes, etc.:

N/A

SIGNED this the 24th day of August, 1999.

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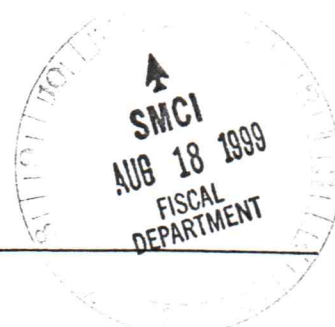
SWORN to and SUBSCRIBED



Willie J. Hemphill
AFFIANT

Melinda L. Ezell
NOTARY PUBLIC

FINANCIAL AUTHORIZATION



TO BE COMPLETED BY APPLICANT

AUTHORIZATION FOR RELEASE OF INSTITUTION ACCOUNT
INFORMATION AND PAYMENT OF THE FILING FEEI. Willie J. Hemphill
(Name of Applicant)# R0677
(Register Number)

authorize the Clerk of Court to obtain, from the agency having custody of my person, information about my institutional account, including balances, deposits and withdrawals. The Clerk of Court may obtain my account information from the past six months and in the future, until the filing fee is paid. I also authorize the agency having custody of my person to withdraw funds from my account and forward payments to the Clerk of Court, in accord with §47-5-76 of the Mississippi Code.

8-17-99
(Date)Willie J. Hemphill
(Signature of Applicant)

CERTIFICATE

(Prisoner Accounts Only)

TO BE COMPLETED BY AUTHORIZED OFFICER

I certify that the applicant named herein has the sum of \$25.00 on account to his credit at the SOUTH MS CORRECTIONAL Institution where he is confined. I further certify that the applicant has the following securities to his credit according to the records of said institution: _____

I further certify that during the last six months applicant's average monthly balance was \$1.62

I further certify that during the last six months applicant's average monthly deposit was \$4.17

I further certify that applicant has made the following withdrawals within the past 30 days: -0-

8-20-99
601-394-5600 EXT 1015

Leesa Brown
(Authorized Officer of Institution)
LEESA BROWN, ACCOUNTING CLERK, SR.

7454
CAUSE# 7453

STATE OF MISSISSIPPI VERSUS Willie Hemphill

JUDGE Loper

DISPOSITION OF CASE Two years custody MDOC

BOND None

NEW COURT DATE N/A

Montgomery CO.
CSC REPRESENTATIVE Reba Carpenter MDO

DATE 10-12-98

JUDGE'S SIGNATURE Joseph H. Lopez

WAIVER OF RIGHT
TO
PRELIMINARY PROBATION REVOCATION HEARING

CAUSE # 7453
MDOC # 7454
10-12-98

I, Willie Hemphill 9-10-71 527-15-1768, have been
charged with the Probation Violation(s) listed below:

1. Violation 42 Possession of prohibited items, such as Alcohol
2. Violation 24. Being in an unauthorized area away from the center
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After having these charges fully explained to me, and without waiving any other rights I may have, DO HEREBY
VOLUNTARILY WAIVE and relinquish my right to a Preliminary Probation Revocation Hearing, and further request
that I be granted a formal Revocation Hearing before the Court of MONTGOMERY County, Mississippi.

SIGNED AND DATED, this the 9th day of September, 19 98.

Willie Hemphill
(Signature of Probationer)

Willie Hemphill
(Typed Name Of Probationer)

WITNESSES:

Willie R. White LT
(Signature and Title)

Willie G. Carter
(Signature and Title)

MONTGOMERY

cc: Circuit Clerk (Original), Records, Hearing Officer, Field Officer

EXHIBIT #8

DCOSTD40 ***** MISSISSIPPI DEPARTMENT OF CORRECTIONS ***** DCOSD46
< 2 more - SENTENCE COMPUTATION - 5 more >

*Action (): Offender Number: 00000R0677 B
Name: WILLIE J HEMPHILL Date / Time: 10/12/1999 13:38 (1 OF 1)

	Pretrial Detention		
	Start Date	End Date	Credit
1	09 / 09 / 1998	12 / 31 / 1998	113
2	03 / 22 / 1999	04 / 08 / 1999	17
3	/ /	/ /	
4	/ /	/ /	
5	/ /	/ /	
6	/ /	/ /	
7	/ /	/ /	
8	/ /	/ /	
9	/ /	/ /	
10	/ /	/ /	
Remarks	Override (Y/N)	Total Credit	130

82-day
In between
After my Probation
had been Revoked
12-31-98 thru 3-22-99

Enter--PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10---PF11---PF12---
confm help retrn quit flip calc bkwd fwd print left right main

4-C 1 Sess-1 10.254.9.23 MSPTN055 1/1

MISSISSIPPI DEPARTMENT OF
ADMINISTRATIVE REMEDYSMCI-99-1111
CASE NUMBER

RECEIVED	
NOV 17 1999	
ADMINISTRATIVE REMEDY PROGRAM	SMCI/MDOC
R067	A-2
MDOC	UNIT

TO: BETTY CREECH, INVESTIGATOR

FROM: Willie J. Hemphill
INMATE NAME

DATE: Nov. 16, 1999

THIS IS A REQUEST FOR ADMINISTRATIVE REMEDY.

I have a MAJOR ERROR with my Time Sheet and the Sentencing Orders attached. They are based on almost all false and Contradictive information. I am sending this rather long letter as Administrative Remedy Request, though long I felt it's ~~more~~ important in coming to a solution to this problem. Page-2 gets indepth to how all this confusion began. Page-1 has a list of dates that I have been Incarcerated that does not appear in my Time Sheet. Page-3 is summary of the mistakes made by my Probation Officer and Named Field Officer's at LeFlore Restitution Center in Greenwood and the deception that been played with the Courts and Judge Loper for lack of knowledge of my Original Sentencing or the Reason why I was sent to the Restitution Center by Judge Clarence Morgan. P4 is total amount of time I have served on my 2-Cases which were run Concurrent 33-Months as of Nov. 20, 1999 and according to my Time Sheet I have another 48-Months which would be a total of 6-years and 9-months on a 5-years Sentence. When in fact if I were given Due Process I would be on the 2-years Sentence Judge Joseph Loper imposed at a Revocation Hearing October 12, 1998. I am also including a copy of the 4-Rule Violation I was Revoked and Sentenced for 10-12-98 along with a copy of the Disposition of my Revocation Hearing 10-12-98 signed by Judge Joseph Loper.

Signed: Willie J. Hemphill

Dated: Nov. 16, 1999

This a request for Administrative Remedy

Nov. 16, 1999

To Mrs. Barbara Bailey Records Dept.

Page ①

I Willie J. Hemphill #80677, of Montgomery County, Case Numbers #7453 + #7454 am writing you concerning a MAJOR mistake on my Time Sheet and in my Sentencing Orders. The Time Sheet I received on Nov. 4, 1999; Dated 10-12-99 has false and Contradictive statements about my Original Sentencing Orders and my total time of incarceration for a April 8, 1999 Sentencing which I was not present for Sentencing. If you would please look back in your files for my Original Sentencing Order from April 18, 1997. You will clearly see there is some confusion, I was originally sentenced by Judge Clarence Morgan not Judge Joseph Loper as stated on page 6 of my Time Sheet it will also show that I was not sentenced on one Case # but two; I was sentenced to 5-years to run Concurrent with 1 1/2 years to serve, 3 1/2 years Suspended, and 2-years on Probation not 5-year Suspended. If you look a little deeper you will see that I completed 1 1/2 years and was released on April 27, 1998 on ERS from Delta Corr. Facility. I completed ERS June 26, 1998 and my 2-years Probation started. On Aug. 14, 1998 my Probation Officer, Ellis Beauis issued a warrant for my arrest; I turned myself in Aug. 20, 1998 to Montgomery County Jail and have been locked up every since I was not released on bond or anything like the Jail Credit Sheet suggest. If you would please check all these places you will find what I am saying to be TRUE: Montgomery Co. Jail from 8-20-98 to 8-27-98, Leflore Co. Restitution Center from 8-27-98 to 9-6-98, Leflore Co. Jail from 9-6-98 to 9-9-98, Grenada Co. Jail from 9-9-98 to 12-29-98, Leflore Co. Restitution Center from 12-29-98 to 3-19-99, Leflore Co. Jail from 3-19-99 to 3-22-99, Grenada Co. Jail from 3-22-99 to 5-21-99, Carroll-Montgomery Regional Corr. Facility from 5-21-99 to 5-28-99, Rankin Co. from 5-28-99 to 7-15-99, and from 7-15-99 up to now at SMCJ, Lakeville, Ms. The Time Sheet I received dated 10-12-99 also states that my Sentence begin 11-29-98 if that true which it not;

11-16-99

Page ②

How did I end up at the Leflore Co. Restitution Center from 12-29-98 thru 3-19-99 receiving 3 of the Rule Violations used to apparently Re-Rescue and Re-Sentence me April 8, 1999 without me being present when in Reality I was Revoked and Sentence to serve 2-years by Judge Joseph Loper on 10-12-98 and shouldn't have been back at the Restitution Center being charged for Room + Board, Rides, Drug + Alcohol classes, and Drug + Alcohol Testing after being sentenced to the State.

Here are a few FACTS that may help you, help me get to the bottom of this Conspiracy that's violated several of my Constitutional Rights and who knows how many Federal Rules and Regulations. On Aug-14, 1998 my Probation Officer, Ellis Beauvais issued a warrant for my arrest for violating Probation by not paying fines and Restitution and not Reporting. I turned myself in Aug-20, 1998 at this time I requested to go to the Restitution Center to pay Fine + Restitution on or about the 27th of Aug-1998 Judge Clarence Morgan not Judge Joseph Loper sent me to the Leflore Co. Restitution Center to pay Fines + Restitution NOT for a 5-years suspended sentence. I was kicked out of the Leflore Co. Restitution Center Sept-6, 1998 for the first 4 Rule Violations showed on Page-7 of the Time Sheet. This is when all this confusion began; I was taken on Oct-12, 1998 before a different (Judge) Judge Joseph Loper instead of Judge Morgan for a Revocation Hearing. Judge Joseph Loper Revoked and Sentenced me to 2-years which I had on Probation not knowing the circumstances of my Cases #7453 + #7454. On Oct-12, 1998 Either one or All of the following Failed to do their Paper Work: Field Officer, Jimmy Hoyt of the Leflore Co. Restitution Center; Ellis Beauvais, my Probation Officer; and apparently the Montgomery County Circuit Court Clerk; behind this mistake I ended up back at the Leflore Co. Restitution Center on 12-29-98 for a period of 3-Month that I don't have credit for when I should have been at some STATE Correctional Facility such as Rankin County (CMCF). Following this mistake on 12-29-98 I ended up turning in \$2,000.00 on an \$1,098.00 Fine which contradicts the \$500.00 stated on Page-8 of the Time Sheet.

11-16-99

Page ③

During this time from 12-29-98 thru 3-19-99 while I should have been at a STATE CORR. Facility I paid \$420.00, Room + Board; \$300.00 for a Drug + Alcohol Class; \$90.00 for Drug + Alcohol Testing and I am not certain of the amount paid for Rides back and forth to work and Back + forth to Drug + Alcohol Class. I was kicked out of the Restitution Center for the SECOND time on March 19, 1999 for Absconding from work when in reality I was trying to reach my Probation Officer to find out where all my MONEY was going after \$2,000.00 on an \$1,000.00. I thought I should have been released I was sent not to complete the Program but to Pay Fines + Restitution. On April 7, 1999 I was taken to Court by Grenada Co. Jail and Leflore Co. Restitution Center and Judge Joseph Lopez REFUSED to hear my case after Grenada Co. Jail Chief of Security Anthony Holis pulled up a copy of the Disposition of my Revocation Hearing from Oct. 12, 1998; The Judge said I couldn't be Reinstated or Revoked because I shouldn't have been back at the Restitution Center after he Revoked my Probation and Sentenced me to 2-years that I had to finish those 2-years. I never went to Court April 8, 1999; but apparently L.T. Willie Winters and Deloris Cates of the Restitution Center and Ellis Beauvais my Probation Officer saw a way to try and COVER their rear-end by having me Re-Revoked and Re-Sentenced on the same 1st 4-Rule Violations I was Revoked for 10-12-98 along with 3 other Rule Violations I shouldn't have gotten because I shouldn't have been there. I don't think Judge Lopez was aware that I was the same one he had sentenced in Oct. because they only used 1-Case # 7453 instead of 2-Case # 7453 + # 7454 I was Revoked + Sentenced for 10-12-98.

I am sending you a copy of the 4-Rule Violation I was kicked out for 9-6-98 and Revoked for 10-12-98. I am also send a copy of the Disposition of that Revocation Hearing with Judge Joseph Lopez signature

11-16-99

Page (4)

In conclusion; I believe I am entitled to the 18-Months I served before being placed on Probation for 2-years and 15-Months I have been locked-up since Aug. 20, 1998 up to now Nov. 20, 1999. If this is true and I am entitled to the 33-Months I have served up to now on Case #7453 + #7454 according to my Time Sheet which shows a Flat time date 11-29-2003 another 4-years I will have served. 6-years and 9-Months on a 5-years Sentence this can't be possible.

If you can not assist me with this problem, would you please direct me to Internail Affairs or whatever Federal Branch or Agents that I can contact concerning Federal Rules and Regulations of the Courts. I would like to put an end to this nightmare or Conspiracy before anymore damage is done. On Aug. 24, 1999 I mailed in a Post-Coviction Relief Motion to Douglass Evans, District Attorney and 3-Copies to Montgomery County Circuit Court Clerk, Tina Ryles Blaylock requesting a filed copy which 3-Months later I have not received. I don't know who all is involved in this Conspiracy to COVER up the Restitution Center and My Probation Officer's mistake of admitting a STATE Prisoner into a Restitution Center but I intend to get to the bottom of this matter. There is no way I should have to serve 6-years and 9-months on a 5-years Sentence due to Errors made by:

Judge Joseph Coper for Revoking + Sentencing me twice without me ever being Reinstated on 4 of the Same Rule Violations; The Montgomery County Circuit Court Clerks for not filing the Judge's Order 10-12-98; Probation and Field Officers of the LeFlore Co. Restitution Center for Admitting a STATE Prisoner into the Restitution Center and Charging him for Things the STATE pays for and trying to cover their rear-ends by deceiving the Courts; Montgomery Co. Jail and Grenada Co. Jail who was holding me for not following Due Process of the Judge's Order 10-12-98.

(I have written the Restitution Center + Montgomery Co. Jail concerning the time I have Not been given credit for)

Sincerely Troubled Yours
Willie J. Humphill

11-16-99

A List of People involved in this Mix-up

- ① Judge Clarence Morgan - The one to Sentence me April 18, 1997 on 2-Case #7453 + #7454 and Sent me to the Restitution Center to Pay Fines + Restitution not a 5-years Suspended Sentence Aug. 27, 1998
- ② Judge Joseph Lopez - Revoked + Sentenced me to 2-years 10-12-98 after being kicked out of the Restitution Center, And Re-Revoked + Re-Sentenced to 5-years on April 8, 1999 on 4 of the same Rule Violations without me ever being Reinstated
- ③ Montgomery County Circuit Court Clerks - Tina Rylas Blaylock and Rose Seals; along with Montgomery Co. Jail Official - Reba Carpenter
- ④ Grenada County Jail Officials - William Tedford and Chief Anthony Holis
- ⑤ My Probation Officer - Ellis Beavis
- ⑥ Leflore County Restitution Center Field Officers - Jimmy Hoyt - took me before Judge Lopez 10-12-98; Deloris Cates, and LT. Willie Winters he was the Boss here signed me in and kicked me out both times

Please HAVE patience and understanding in reading this Letter. According to some I am just a number but I am still a Human Being with a Mind, Spirit, and Soul.

Willie J. Humphill #R0677

* On Nov. 16, 1999
A Captain Smith from the Leflore
Co. Restitution Center Contacted My Case
Worker Mrs. Kilpatrick about this Mistake
Please Check with him.

Case #5 #7453 + #7454